

Agenda Item	A6
Application Number	21/00469/FUL
Proposal	Change of use of drinking establishment into ten 1-bed self-contained student studios with associated cycle and bin stores
Application site	The Britannia 101 - 103 Ullswater Road Lancaster Lancashire
Applicant	60 Church Street Ltd
Agent	Mr Michael Harrison
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 The property forming the subject of this application is The Britannia Pub located on the corner of Ullswater Road and Moor Gate in close proximity to Lancaster City Centre. The building is over two storeys and features stone elevations underneath a slate roof. There is a small yard area to the northern side of the building.
- 1.2 The site is surrounded by a mixture of uses including residential properties and commercial premises. The area is characterised by its stepped uniform terraces particularly on Moor Gate.

2.0 Proposal

- 2.1 This application seeks planning permission for the change of use of the public house to form student accommodation comprised of 10 independent studios. The proposal also includes minor alterations to form secure cycle storage within an existing outbuilding.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
06/00618/FUL	Creation of two new pedestrian entrances and new metal gates and fence	Permitted
07/00719/FUL	Erection of an outdoor covered smoking area	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
County Highways	No objection subject to a condition requiring the submission and agreement of a construction traffic management method statement.
Natural England	No objection subject to a condition requiring homeowner information packs to be provided to each unit of accommodation.
Environmental Health	No objection.
Fire Safety Officer	Advice provided regarding Building Regulation requirements.
Lancashire Constabulary	Advice provided regarding Secured by Design standards.
Waste and Recycling	Advice provided regarding the provision, layout and operation of waste storage facilities.
Planning Policy	No response.
Engineering Team	No response.
Lancaster Civic Society	Objection to development due to the prevalence of student accommodation in the locality and the resultant harm to the character of the area.
LUSU Housing	No response.
Lancaster University	Comments provided regarding evidence of the supply and demand for student accommodation, recommendation for the development to form part of the LU Homes scheme, adherence to relevant fire safety requirements and provision of sufficient amenity for residents with respect to outlook, daylight, noise, air quality.
Lead Local Flood Authority	No objection.

4.2 At the time of writing this report, the following responses have been received from members of the public:

117 letters of objection and 1 letter neither supporting nor objecting to the proposal have been received and which raise the following concerns:

- Prevalence of students and student accommodation and resultant harm to the demographic balance and character of the area and building
- Proposal does not meet identified housing need/provide affordable housing
- Proposal exceeds 10% restriction for House in Multiple Occupation (HMO)
- Loss of public house and community asset
- Public house could be made viable with alternative business models
- Small scale of the building unsuitable for 10 studios
- Impact on residential amenity by virtue of noise and anti-social behaviour and loss of privacy
- Lack of parking provision and highway safety
- Waste provision
- Air quality concerns

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of residential development and loss of community facility
- Highway Safety and parking
- Residential amenity
- Design
- Other material considerations

5.2 Principle of residential development and loss of community facility SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy. Development Management DPD Policies. DM1: New Residential Development and Meeting Housing Needs, DM7: Purpose Built Accommodation for Students DM13: Residential Conversions, DM56: Protection of Local Services and Community Facilities. National Planning Policy Framework sections 2, 6, 8, 9, 11 and 12.

5.2.1 The supporting text to Policy DM56 of the DPD sets out the role that local services can play in ensuring that communities are sustainable in the long term is recognised. The ability to access local services that are located in close proximity to where people live has a significant relationship with well-being and a positive quality of life. To this end, the Council will protect the buildings and premises used by local services that benefit the local community both socially and economically. The Council will also resist the loss of local services where it is demonstrated that they are valued by the community they serve.

5.2.2 Furthermore, the National Planning Policy Framework sets out in Paragraph 93 that planning policies and decisions should plan positively for the provision and use of shared spaces and community facilities, such as public houses amongst other uses; and should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities ability to meet its day-to-day needs.

5.2.3 Policy DM56 sets out that proposals that would result in the loss of buildings or uses which currently (or have previously) provided the community with a local service, must provide compelling and detailed evidence. Proposals will be expected to ensure that:

- A robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. This should include a realistic advertising period of at least 12 months at a realistic price (confirmed by independent verification), making use of local and (if appropriate) national media sources. Information on all offers made, together with copies of the sales particulars will also be required to accompany the application;
- Alternative provision of the key service exists within a rural settlement or within a nearby neighbouring settlement, that can be reasonably accessed by pedestrians and public transport; and
- The current / previous use no longer retains an economic and social value for the community it serves.

5.2.4 The submission sets out that the viability of the public house use had deteriorated over a number of years. The pub had been operated by a national brewing company before then being purchased by a local operator in 2016. It was then operated as a public house until its closure in April 2020 following the introduction of Covid-19 restrictions. The property was first marketed by Christie & Co, a nationwide agent specialising in commercial premises, in July 2019 at an initial guide price of £345,000. At this time the property was marketed and displayed on the Christie & Co. website. In January 2020, the price was reduced to £285,000, it was also displayed on Rightmove Commercial, and the sales particulars sent via email to 11,175 parties registered with Christie & Co. During the marketing period a total of 5 viewings were registered which resulted in 2 offers being made. However, it is stated that these offers were made not with the intention of continuing the public house, but instead these related to a potential office use and conversion to residential use.

5.2.5 Criteria I of Policy DM56 requires a robust and transparent marketing exercise of the public house use to be undertaken. It sets out that the marketing period must be a minimum of 12 months and

set at a realistic price using local and national agencies. The purpose of the marketing exercise is to demonstrate that the existing use of property is no longer economically viable or feasible. In other words, Policy DM56 assumes that if no offers are forthcoming within the required marketing period for the continuation of the community facility, then that use is considered to be unviable and unfeasible. Other information such as a commercial viability report assessing previous trading performance and outlining potential alternative or theoretical business plans is not required by this policy. Information such as previous years profit and loss trading figures and the final sale value were requested by the Case Officer in an attempt to better understand the financial performance of the business, however, this information has not been forthcoming from the applicant.

- 5.2.6 In total, the public house had been marketed for a period of 18 months until its sale in January 2021. Whilst the initial guide price of £345,000 was perhaps an unrealistic value, this was later reduced in January 2020 to £285,000. The final purchase price of the property has not been confirmed, despite this being requested by the Case Officer. However, the reduced guide price of £285,000 is considered a realistic price for this property and business. The property was marketed at this reduced price for a period of 12 months in addition to the initial 6-month period. Furthermore, the marketing exercise utilised a national commercial property agency and utilised widely accessible advertising websites and extensive mailshots targeted at potentially interested parties. From the information provided, the marketing exercise appears to be appropriately robust. Whilst the marketing exercise did partly take place throughout the period of economic uncertainty created by the Covid-19 pandemic, which should be given some weight, the fact remains, the marketing resulted in no commercial offers related to the use of the building as a public house or for another community use. As such, it is considered that the marketing exercise undertaken is sufficient and satisfies the first part of the policy.
- 5.2.7 The second criteria of Policy DM56 requires there to be alternative provision for that which is being lost as part of the proposed development. However, the wording of this criteria is particular in that this relates to rural settlements rather than development within larger urban centres in which a larger service provision would be expected. In light of the wording of this criterion, it is considered that this is not a relevant requirement for this particular development proposal. In terms of alternative service provision, other facilities do exist within the area notably The Gregson Centre and Freeholder's Arms, 70 metres and 160 metres away respectively. As noted within some of the comments received from the local community, the nature of these establishments differ slightly from the Britannia, the Gregson Centre being a mixed use community centre (though with a pub and food offering) and the Freeholders Arms focussing on wet sales. However, between these establishments, and the various other commercial premises along Ullswater Road and Moor Gate it is considered that the loss of the subject community facility would not reduce the community's ability to meet its day-to-day needs. In addition to this, residents of the local community are within 500 metres of the centre of Lancaster where there is a more expansive service offering. Whilst the requirements of the second criteria are not strictly relevant to this proposal, it is considered there is alternative service provision within easy reach of The Britannia.
- 5.2.8 The final criteria of Policy DM56 sets out that the current/previous use should no longer retain an economic and social value for the community. This criteria is again specific in that the community use must provide both an economic and social value rather than one or the other. The proposal for the change of use of the public house for student accommodation has garnered some significant objection from the local community including objection to the loss of the public house use/community facility amongst other concerns. Whilst it is clear that the public house is regarded within the community, it has been established by the marketing exercise that the use of the premises as a public house is economically unviable and unfeasible. Furthermore, the property is not listed as an asset of community value through the community right to bid which gives community organisations the chance to bid for, and if successful, purchase and take over the running of assets that are of value to the local community. Ultimately, by reason of the limited success of the public house use over recent years, the lack of offers for the continuation of the use resulting from the marketing exercise and range of alternative service offerings within close proximity of the site, it is concluded that the use no longer retains an economic value nor carries significant social value. The loss of this facility would not prevent the local community from meeting its day-to-day needs. For this reason, it is considered that the loss of the community use for residential purposes can be supported.
- 5.2.9 The site is situated in a central sustainable location, close to local services and facilities. It is within walking distance of the University of Cumbria and close to good public transport (bus routes) to

Lancaster University. Policy DM7, whilst relating to purpose-built student accommodation rather than residential conversions, states that student accommodation should be situated in Lancaster City Centre (or adjacent) subject to the development being appropriate to the character of the local area in terms of design, layout and materials. Policy DM7 also states that proposals for student accommodation may be supported where they would provide an appropriate standard of self-contained accommodation (in accordance with Appendix G of this DPD) and would accord with all other relevant planning policies. Policy DM29 states that development should contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale.

5.2.10 Concerns have been raised by members of the local community regarding the prevalence of student accommodation, particularly within Houses in Multiple Occupation, and the resultant demographic imbalance. Policy DM13 imposes a restriction as to the percentage proportion of HMOs within at 100 metre radius. However, the accommodation being proposed is independent studio accommodation which does not meet the definition of an HMO (*shared houses or flats occupied by a group of unrelated people who share some, but not necessarily all, basic facilities such as a toilet, bath/shower room and cooking facilities – Residential Conversion and Houses in Multiple Occupation Supplementary Planning Document – Adopted 8 December 2020*). For this reason, the restrictions imposed by Policy DM13 are not relevant to this proposal.

5.2.11 However, the requirements of policy DM29 which requires proposals to contribute positively to the identity and character of the area and promote diversity and choice through the delivery of a balanced mix of compatible buildings and uses would apply. Comments received by the Local Planning Authority assert that the local area is saturated with students and HMOs, however, there is no evidence to justify this statement. Whilst the proposal does not relate to HMO accommodation, a review of the HMO density in the local area around the Britannia (in accordance with the methodology set out in Appendix A of the Residential Conversion and Houses in Multiple Occupation SPD) helps to exemplify the demographic mix within the locality given HMOs in this area are mostly likely to be occupied by students. The percentage of HMOs within 100 metres of the site is only 10.95%. Such a percentage (of HMOs) is relatively low in light of the density of built form within the locality and it is considered that such a proportion would not create an imbalanced community nor create an undesirable demographic mix within this urban environment.

5.2.12 Comments received also question the need and demand for student accommodation more generally. In this respect, Lancaster University's own Masterplan 2017-2021 sets out ambitious growth targets both in respect of teaching and residential facilities in on-campus and off-campus locations. In particular, section 6.4 sets out that current supply will not meet projected future demand. In addition to this, the University of Cumbria has aspirations for continued development. In this respect the proposed development will contribute towards meeting current demand and future growth for this type of accommodation.

5.3 **Highway Safety and parking Development Management DPD DM29: Key design principles, DM60: Enhancing Accessibility and Transport Linkages; DM61: Walking and Cycling; DM62: Vehicle Parking Provision. National Planning Policy Framework sections 9 and 12.**

5.3.1 Numerous objections have been received expressing concerns regarding the impact of residential occupation upon parking provision and highway safety. The proposal would provide accommodation for 10 students, however, it does not include off-street parking. The application has been reviewed by the Highways Officer at Lancashire County Council who has no objection to the proposed development. The site is located within a sustainable location with easy access to public transport facilities. Furthermore, the proposal includes sufficient cycling storage provision for the occupants of the accommodation. Whilst there is no provision for off-street parking, and there would be no restrictions (other than surrounding parking restrictions including lengths of double yellow lines) preventing occupants from parking on surrounding roads, without objection from County Highways for justified highway safety concerns, a reason for refusal based on parking provision could not be sustained at appeal. A condition requiring the number and details of the cycle storage facilities and their installation prior to occupation is recommended.

5.3.2 The County Highways Officer has requested a condition requiring the submission, agreement and implementation of a construction traffic management method statement. The control and use of the highway during the construction phase of the development should be managed through appropriate

highways legislation by the County Council themselves rather than through the planning process. As such this condition is not recommended.

- 5.4 **Residential amenity Development Management DPD DM7: Purpose Built Accommodation for Students, DM13: Residential Conversions, DM29: Key design principles, Appendix G: Purpose Built Student Accommodation, Appendix H: Flat Conversions. National Planning Policy Framework section 12.**
- 5.4.1 Whilst the proposal is not purpose-built studio accommodation but instead a conversion of an existing building, the standards required by Policy DM7 and associated Appendix G are the most appropriate criteria against which the standards of the proposed studio accommodation should be assessed. Policy DM13 of the DM DPD regarding residential conversions and associated Appendix H refers to flats rather than self-contained studio accommodation and so is not relevant in this sense.
- 5.4.2 Policy DM7 and associated Appendix G sets out the standard of accommodation that must be achieved. With respect to self-contained studios, rooms must be a minimum of 19m² in floor area, whilst plans must demonstrate the way in which required furniture can be accommodated. The smallest rooms measure the minimum required at 19m², whilst some rooms are slightly larger. Furthermore, the plans show the way in which the stipulated furniture can be accommodated within each room and how each studio can be segregated into separate zones.
- 5.4.3 All studios must also benefit from acceptable outlook and daylight and in this regard, the proposal development is considered to provide acceptable levels of amenity. Studio 1 is located towards the rear northern corner of the site, the window and door serving this studio faces northwards and is within 7.5 metres of the side elevation of the adjacent building (Plumbstore) to the north. Whilst the separation distance is below the recommended distance of 12 metres for such instances (where habitable room windows face blank elevations), the adjacent property is single storey only and so adequate views over the sites yard area and views of open sky will be achieved from this window. It is considered that this space will benefit from adequate daylight internally.
- 5.4.4 Numerous letters of objection have been received by the Local Planning Authority expressing concerns regarding the impacts of the occupation of this building by students upon the amenity of surrounding occupants with particular reference to noise. In the first instance, the lawful use of the property as a licensed public house must be acknowledged. In light of this use and proximity of surrounding residents, it is considered that the residential occupation of the property would in fact be more suitable. Residents also express concerns regarding the student lifestyle and its compatibility with family life. In planning terms, the provision of open market residential dwellings and student accommodation in close proximity are compatible uses. Should noise and disturbance arise, for example from loud music, then this would be most appropriately investigated through Environmental Health legislation.
- 5.5 **Design Development Management DPD DM29: Key design principles, DM30: sustainable design. National Planning Policy Framework sections 12 and 16.**
- 5.5.1 Other than the infilling of an external wall to the rear of studio 1 and the installation of gates and fences to the cycle storage and bin storage areas, no external alterations are proposed. The infill walling will be rendered to match that of the adjacent walls, it will also not be viewed within the wider street scene. The existing metal gates to the yard area will serve the proposed waste storage area. As well as details of the cycle storage facilities, details of the appearance of the timber gates/fencing to the cycle storage building will be conditioned.
- 5.5.2 It has become apparent that a number of timber sliding sash windows have been replaced with very poorly designed and detailed white UPVC windows. The Britannia is a traditional building, typical of local vernacular featuring stone elevations underneath slate roof. It is also a prominent property on the corner of Ullswater Road and Moor Gate and is present on the 1890's OS Map. No permitted development rights exist for commercial premises such as this, furthermore, the replacement windows are considered to fundamentally alter and harm the character and appearance of the building. For this reason, the installation of replacement windows is considered to amount to unauthorised development in its own right. The replacement windows have been reported to the Council's Planning Enforcement Team for further investigation and with a view to appropriate enforcement action being taken. The installation of replacement windows is not required as part of

the change of use of the building to residential accommodation (for example, replacement windows are not required for noise mitigation purposes) and for this reason do not form part of the development proposal and is not detailed within the description of development. It is considered that the application can still be determined despite the unauthorised development which has already been undertaken.

5.6 **Other material considerations**

5.6.1 **Waste Storage** – The proposal includes the provision of waste storage facilities within the site. The Councils Waste and Recycling Officer has reviewed the proposal and has stipulated the number and type of bins that will be required. It is considered that the bin storage area will provide sufficient space for the required number of bins to serve the development.

5.6.2 **Drainage** – The application is supported by a drainage statement. This sets out that no external alterations are proposed which would alter the drained area or site permeability and therefore the rate or volume of run-off. As part of the development, the existing drainage infrastructure and arrangement, a connection to the mains sewer system, is to be retained.

5.6.3 **Habitat Regulations Assessment** – In accordance with the Conservation of Habitats and Species Regulations 2017 the Council have undertaken a Habitat Regulations Assessment in order to assess the impact of the development proposal upon the special characteristics of the European Designated habitat sites protecting Morecambe Bay. In consultation with Natural England, it has been determined that likely significant effects upon these designations can be mitigated through the provision of ‘Homeowner Information Packs’ to be supplied to each unit of accommodation. This can be controlled through planning condition.

6.0 **Conclusion and Planning Balance**

6.1 Whilst the Council acknowledges the role and important of community facilities for local communities, it is considered that the marketing exercise that has been undertaken is sufficiently robust and transparent. There were no offers relating to the continuation of the pub use, nor for any other community type use. For this reason, the loss of the public house use can be supported in this particular case. Furthermore, in light of the surrounding service provision within close proximity of the site and within the centre of Lancaster, the loss of this facility will not prevent the local community from meeting its day-to-day needs. The proposed development is considered to be acceptable with regard to the other specified material considerations on the basis of the imposition of the conditions as noted below.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time limit	Standard
2	Approved plans	Standard
3	Details and provision of Homeowner packs and information boards	Prior to occupation
4	Details and provision of cycle storage	Prior to occupation
5	Provision of bin storage facilities	Prior to occupation
6	Restriction to student accommodation	Control

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development

Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None